8056508/2023/VIG-II-AGC01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Agricultural Marketing Department – Departmental proceedings initiated by framing article of charges against Sri K. Srikanth, Deputy Director of Marketing for willful disobeyed the orders of higher authorities in reporting to duty at AMC, Ichapuram as Selection Grade Secretary on OD, AMC, Ichapuram, Srikakulam District and unauthorized absence from official duties from 08.05.2020 to till date – Inquiry conducted – Charges held proved – Imposing of penalty of "Removal from Service" – Orders – Issued.

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AGRICULTURE AND COOPERATION (VIG.II) DEPARTMENT

G.O.Ms.No.59 **Dated:25.10.2023**

Read the following:-

1. Procgs.No.SPL.CCO/01/2020, dated:15.02.2022 of the Collector & District Magistrate, S.P.S.R.Nellore District.
2. Govt.Memo No.AGC01-MKTG0AMET/44/2020-MKTG.II, dated: 20.04.2020.
3. Govt.Memo No.AGC01-MKTG0AMET/74/2021-MKTG.II, dated: 22.04.2021.
4. Representation dated:14.06.2021 of Sri K. Srikanth, Deputy Director of Marketing.
5. Govt.Memo No.AGC01-MKTG0AMET/74/2021-MKTG.II, dated: 20.07.2021.
6. E-file No.AGC05-16021/28/2021-DISCPLR SEC-MRKT (Computer No.1438089), dated:12.10.2021 of the C&DoAM, AP.
7. G.O.Rt.No.713, Agri. & Coop.(Vig.II)Dept., dated: 09.11.2021.
8. Written statement of defence dated: 09.12.0221 of the Charged Officer Sri K. Srikanth, DDM.
9. Govt.Memo No.AGC01-MKTG/7/Vig.II/2021, dated: 01.02.2022.
10. Inquiry report dated:08.05.2023 of the RJDM, Vijayawada & Inquiring Authority.
11. Govt.Memo No.AGC01-MKTG/7/Vig.II/2021, dated:08.06.2023.
12. Representation dated:03.07.2023 of Sri K. Srikanth, Deputy Director of Marketing.
13. Govt.Letter No. AGC01-MKTG/7/Vig.II/2021(1324746), dated: 21.08.2023.
14. Letter No.GAD03-APPSODCC/88/2023-DC.SEC-APPSC(Computer No.2200797), dated:11.10.2023 of the Secretary, APPSC, Vijayawada.

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O R D E R:

It was brought to the notice of the Government that, the Collector & District Magistrate, S.P.S.R.Nellore District has surrendered the services of Sri K.Srikanth, Deputy Director of Marketing on OD as Selection Grade Secretary, AMC, Kovur, Nellore District on his negligence, uncooperative and inexcusable behavior in discharging his officials duties vide reference 1st read above. Accordingly, he has reported to duty on 20.02.2020 F.N. in the O/o Commissioner & Director of Agricultural Marketing, A.P., Guntur.

2. Based on the proposal of the Commissioner & Director of Agricultural Marketing, A.P., Guntur, Government have issued orders posting Sri K. Srikanth, Deputy Director of Marketing to work on OD as Selection Grade Secretary at AMC, Ichapuram in the existing vacancy vide reference 2nd read above. But, the individual has not joined at AMC, Ichapuram. The individual vide his representations dated:27.12.2020 & 24.02.2021 has requested to consider his service as Deputy Director of Marketing only in the regular vacancy in his native post.

3. Owing to non-joining at AMC, Ichapuram as Selection Grade Secretary on OD, Government have issued a Show Cause Notice dated:22.04.2021 to the individual directing him to show cause as to "Why Government should not be initiated action against him for disobeying the Government orders in reporting to duty as Selection Grade Secretary, AMC, Ichapuram as one year

(P.T.O.)

period has already completed, but he has neither reported to duty nor applied for any leave till date and requested for payment of salary since February, 2020 without attending the official duties".

4. In response to the Show Cause Notice, Sri K. Srikanth, Deputy Director of Marketing has submitted his explanation dated:14.06.2021 and again requested to post him as Deputy Director of Marketing in the regular cadre in the Head of the Department.

5. In the reference 6th read above, the Commissioner & Director of Agricultural Marketing, A.P., Guntur has informed that, in view of the explanation submitted by the individual, the individual has not even willing to report to duty at AMC, Ichapuram as Selection Grade Secretary on OD and he is even not applied any kind of leave since February, 2020 and again arguing about his Government service and posting as Selection Grade Secretary duties at AMCs. Thus, Sri K. Srikanth, DDM has willfully disobeyed the orders of the higher authorities as well as the Government in reporting to duty at AMC, Ichapuram as Selection Grade Secretary on OD and unauthorized absence from official duties from 08.05.2020 to till date. Hence, the Government have decided to initiate disciplinary proceedings against him.

6. Accordingly, in the G.O. 7th read above, departmental proceedings have been initiated by framing the following article of charges against Sri K. Srikanth, Deputy Director of Marketing:-

Article of Charge-1:

"That Sri K. Srikanth, Deputy Director of Marketing on OD as Selection Grade Secretary, Agricultural Market Committee, Ichapuram, Srikakulam District has willfully disobeyed the orders of the higher authority in reporting to duty at Agricultural Market Committee, Ichapuram and questioned the administrative measures taken by Government without reporting / joining into duty and the letter addressed by him smacks of utter disregard and contempt for the higher authorities and their administrative action and thus he has violated conduct rules.

Thus, it shows his negligence towards his official duties, arrogance and lack of devotion to duty and thus violated the Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964".

Article of Charge-2:

"That Sri K. Srikanth, Deputy Director of Marketing on OD as Selection Grade Secretary, Agricultural Market Committee, Ichapuram, Srikakulam District has committed unauthorized absence from his official duties from 08.05.2020 to till date without represent any leave or permission from higher authorities i.e. the Commissioner and Director of Agricultural Marketing, A.P. Guntur, as well as the Government.

Thus, it shows his negligence towards his official duties, lack of devotion to duty and violated the Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964 and Andhra Pradesh Leave Rules, 1933".

(Contind..3)

7. The Charged Officer Sri K. Srikanth, Deputy Director of Marketing has submitted his written statement of defence dated:09.12.2021 denying the charges framed against him.

8. Since the Charged Officer has denied the charges framed against him, Government have decided to conduct regular inquiry into the charges framed against him. Accordingly, in the reference 9th read above, orders have been issued appointing the Regional Joint Director of Marketing, Vijayawada as Inquiring Authority and the Regional Deputy Director of Marketing, Vijayawada as Presenting Officer for conducting regular inquiry into the charges framed against the Charged Officer viz. Sri K. Srikanth, Deputy Director of Marketing.

9. After conducting regular inquiry, the Regional Joint Director of Marketing & Inquiring Authority has furnished the inquiry report dated:08.05.2023 concluding that, after receipt of the orders of the Government by posting him as Selection Grade Secretary on OD at AMC, Ichapuram, he ought to obey the Government orders and report at AMC, Ichapuram. But he has not joined at AMC, Ichapuram. Hence, the Charge-1 is held proved. In respect of Charge-2, the Inquiring Authority has stated that, after receiving the posting orders at AMC, Ichapuram, he has represented to the Government and the Commissioner & Director of Agricultural Marketing, A.P. vide his letter dated:15.05.2020 requesting to consider his services as Deputy Director of Marketing only in the regular vacancy and in his native post, with immediate release of his salary/pay and statutory allowances / deductions pending since February, 2020 onwards. But Government has not issued any directions on this regard. However, after receipt of the Government orders for his posting at AMC, Ichapuram, he has to join at AMC, Ichapuram, but he has not joined at AMC, Ichapuram and he has committed unauthorized absence from his official duties from 08.05.2020 to till date without requesting any leave or permission from higher authorities i.e. the Commissioner & Director of Agricultural Marketing, A.P. as well as Government. It shows unauthorized absence. Hence, the Charge-2 is held proved.

10. In the G.O.Ms.No.260, General Administration(Ser.C) Department, dated:04.09.2003, orders have been issued that, in all cases of unauthorized absence to duty for a continuous period exceeding 'one year', the penalty of removal from service shall be imposed on the Government employee, after duly following the procedure laid down in the Andhra Pradesh Civil Services (CC&A) Rules, 1991.

11. After thorough examination of the entire matter with reference to the record of inquiry, Government have provisionally decided to impose a penalty of "Removal from Service" on Sri K. Srikanth, Deputy Director of Marketing, as the Charges framed against him are held proved in the regular inquiry and in terms of orders issued in the G.O.Ms.No.260, General Administration(Ser.C) Department, dated:04.09.2003, in the instant disciplinary case.

12. Accordingly, in reference 11th read above, a Show Cause Notice has been served on the Charged Officer Sri K. Srikanth, Deputy Director of Marketing with a direction to show cause as to why a penalty of "Removal from Service" should not be imposed on him, as both the charges framed against him are held proved in the regular inquiry and in terms of G.O.Ms.No.260, General Administration(Ser.C) Department, dated: 04.09.2003 duly communicating a copy of inquiry report dated :08.05.2023, in the instant disciplinary case.

(P.T.O..4)

13. In response to the Show Cause Notice dated:08.06.2023, the Charged Officer Sri K. Srikanth, Deputy Director of Marketing has submitted a representation dated:03.07.2023 stating that, he is not intended to escape his duties or otherwise proceed on leave evading to his work, but he is waiting for posting under State Service, when the delay is out of his control. Finally, he has requested the Government to drop further action against him, since he is not giving consent to deputation on OD cannot be terminated as misconduct.

14. After careful examination of the matter with reference to the record of inquiry, Government have confirmed the provisional decision to impose a penalty of "Removal from Service" against the Charged Officer Sri K. Srikanth, Deputy Director of Marketing, as both the charges framed against him are held proved in the regular inquiry and in terms of orders issued vide G.O.Ms.No.260, General Administration(Ser.C) Department, dated: 04.09.2003, in the instant disciplinary case. Accordingly, the A.P.Public Service Commission has been addressed for their concurrence on the decision of the Government.

15. In turn, the Secretary, A.P.Public Service Commission, Vijayawada in his letter 14th read above has informed that, after careful examination of the disciplinary case in the light of the records made available, Commission agrees with the proposal of the Government to impose a penalty of "Removal from Service" against the Charged Officer Sri K. Srikanth, Deputy Director of Marketing in terms of G.O.Ms.No.260, General Administration(Ser.C)Department, dated:04.09.2003 and advise accordingly.

16. Government, after thorough examination of the entire matter with reference to the record of inquiry and keeping in view of the concurrence of the A.P.Public Service Commission, hereby order to impose a penalty of "Removal from Service" against the Charged Officer Sri K. Srikanth, Deputy Director of Marketing, as both the charges framed against him are held proved in the regular inquiry and in terms of orders issued vide G.O.Ms.No.260, General Administration(Ser.C) Department, dated: 04.09.2003, in the instant disciplinary case.

17. The Commissioner & Director of Agricultural Marketing, A.P., Guntur shall take further necessary action in the matter, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHIRANJIV CHOUDHARY, IFS,
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri K. Srikanth,
Deputy Director of Marketing.
(Through:- The Commissioner & Director of Agricultural Marketing,
A.P., Guntur)
Copy to:-
The Commissioner & Director of Agricultural Marketing, A.P., Guntur.
The Agriculture & Cooperation(AM.II)Department.
The Accountant General, A.P., Vijayawada.
The Secretary, A.P.P.S.C., Vijayawada.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER